

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHAL DIVISION**

BOXCAST INC.)	
)	CASE NO. 2:21-cv-00217
)	
Plaintiff,)	JUDGE RODNEY GILSTRAP
)	
vs.)	
)	
RESI MEDIA LLC, PUSHPAY USA, INC.,)	
AND PUSHPAY HOLDINGS LTD.)	
)	
)	
Defendant.)	

**BOXCAST’S NOTICE OF APPEAL OUTCOME AND
DISMISSAL PURSUANT TO FRCP 41(a)(1)(A)**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A) and the Court’s Order of April 28, 2023 (Dkt. No. 166), Plaintiff BoxCast Inc. (“BoxCast”) hereby provides notice of dismissal of all claims against all parties in the above-captioned action. No answer or motion for summary judgment has been filed in this case and thus voluntary dismissal without a court order is proper.

The claims in the Amended Complaint (Dkt. No. 166) are now moot in light of the United States Court of Appeals for the Federal Circuit’s November 5, 2024 summary affirmance of the Patent Trial and Appeal Board’s (“PTAB”) Final Written Decision finding all claims of U.S. Patent No. 9,686,574 unpatentable. BoxCast did not appeal the PTAB’s decision finding all claims of U.S. Patent No. 10,154,317 unpatentable.

Dated: November 11, 2024

Respectfully submitted,

/s/ Joshua A. Friedman

Mark W. McDougall (Ohio #0080698)

(admitted Pro Hac Vice)

mmcdougall@calfee.com

John S. Cipolla (Ohio #0043614)

(admitted Pro Hac Vice)

jcipolla@calfee.com

Joshua A. Friedman (Ohio #0091049)

(admitted Pro Hac Vice)

jfriedman@calfee.com

Andrew W. Alexander (Ohio #0091167)

(admitted Pro Hac Vice)

aalexander@calfee.com

Dustin D. Likens (Ohio #0097891)

(admitted Pro Hac Vice)

dlikens@calfee.com

CALFEE, HALTER & GRISWOLD LLP

The Calfee Building

1405 E. 6th Street

Cleveland, Ohio 44114

Telephone: (216) 622-8200

Facsimile: (216) 241-0816

Samuel F. Baxter (Texas Bar No. 01938000)

sbaxter@mckoolsmith.com

Jennifer L. Truelove (Texas Bar No.

24012906)

jtruelove@mckoolsmith.com

MCKOOL SMITH, P.C.

104 E. Houston Street, Suite 300

Marshall, Texas 75670

Telephone: (903) 923-9000

Facsimile: (903) 923-9099

Attorneys for Plaintiff BoxCast, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system on this 11th day of November 2024 and served electronically on Plaintiff's counsel of record.

/s/ Joshua A. Friedman